

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER
("MTBE") PRODUCTS LIABILITY
LITIGATION

This document relates to:

*Commonwealth of Puerto Rico, et al. v. Shell Oil
Co., et al.*, 07 Civ. 10470

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

SHIRA A. SCHEINDLIN, U.S.D.J.:

CASE MANAGEMENT ORDER NO. 44

This Case Management Order sets forth preliminary procedures for initial discovery in the above-captioned case (hereinafter the "*Puerto Rico* case"). Additional discovery will be addressed in subsequent orders.

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Doc. 2205

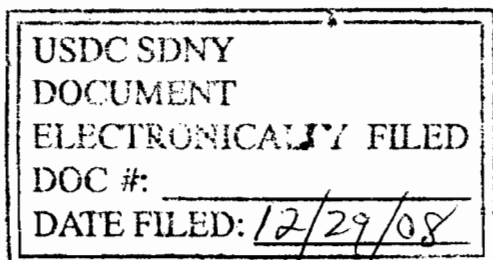
I. DISCOVERY CURRENTLY UNDERWAY

A. In November 2008, the parties served responses to initial discovery. The parties are currently reviewing those responses to assess their sufficiency and to determine what additional discovery ~~should be undertaken next~~ ^{is required}.

B. Any disputes over the sufficiency of the responses served to date shall be referred to Special Master Warner.

II. FURTHER DISCOVERY REPORT AND PLANNING

A. By January 15, 200⁹8, the parties shall meet and confer and identify ~~for each other~~ the nature, scope and availability of relevant electronic data in the possession of the parties. The



parties shall endeavor to formulate a plan and schedule for a fair, prompt, mutual exchange of such data.

B. The parties shall report to the Court on the status of discovery and proposals for additional discovery at a hearing scheduled for February 26, 2009. Prior to February 26, 2009, the parties shall meet and confer to discuss the next stage of discovery ~~they propose~~⁹, taking account of the discovery responses the parties produced pursuant to section I of this CMO. Any disputes over the scope and timing of said proposed discovery shall be referred to Special Master Warner.

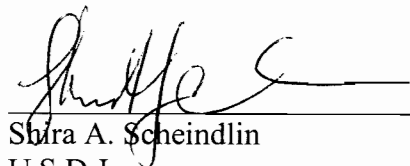
C. To the extent practical, the parties shall endeavor to coordinate discovery requests so as to avoid duplicative requests by different parties on the same side. Nothing in this order shall limit or preclude the ability and right of any party to take additional discovery, subject to any applicable orders of the Court or the Special Master.

III. EXCLUSIONS

A. The provisions of this Order allowing or requiring discovery shall not apply to any defendant that has filed, or timely does file, an objection to personal jurisdiction, while such objection is pending.

Dated: New York, New York
December 26, 2008

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.